

**Fitch, Even, Tabin & Flannery****Intellectual Property Law**

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## TELECOPIER COVER SHEET

Client/Matter Nos: 7372/72249

Date: February 6, 2004

The transmission that follows totals 16 pages, including this cover sheet. Please deliver immediately to the following:

Attn: Examiner Elizabeth Slobodyansky  
Art Unit 1652

Fax: 703 872-9306

Re: U.S. Application No. 10/004,115  
ASAKO et al.

This transmission is being sent by Kendrew Colton, please call (202-419-7000) if there is a problem with this transmission.

## COMMENTS:

**CERTIFICATE OF FACSIMILE:** I hereby certify that these papers (Transmittal and Amendment) are being transmitted via facsimile to: Commissioner of Patents, Washington, D.C. 20231, Attn: Elizabeth Slobodyansky, on this day of February 6, 2004.

Kendrew H. Colton, Reg. No. 30,368

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FORM PTO-1083

PATENT

Attorney Docket No. 7372/72249

In re Application of: ASAKO et al.  
 Application No. 10/004,115  
 Filed: December 6, 2001  
 For: PROCESS FOR PRODUCING OPTICALLY ACTIVE 4-HALO-3-HYDROXYBUTANOATE

U.S. Patent and Trademark Office  
 2011 South Clark Place  
 Customer Window, Mail Stop Fee Amendment  
 Crystal Plaza Two, Lobby, Room 1B03  
 Arlington, VA 22202

February 6, 2004

Sir:

Transmitted herewith is a response to an Office Action in the subject application.

☐ small entity status of this application under 37 CFR 1.27.

DUE DATE: February 19, 2004

☒ Petition For Extension Of Time

- ☐ for a -month extension of time under 37 CFR 1.136, the fee of \$.00 is enclosed.  
☒ petition for an extension of time is NOT necessary. However, to the extent that such petition is deemed necessary, for a sufficient extension of time to render the present submission timely. Please charge Deposit Account No. 06-1135 for the appropriate petition fee.

☒ No additional claim fee is required.

☐ Other:

The claim fee has been calculated as shown below:

the claim fee has been calculated as shown below.

					SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADDIT. CLAIM FEE	RATE	ADDIT. CLAIM FEE
TOTAL	55	MINUS	49	6	x 9=	\$	x 18=	\$108.00
INDEPENDENT	6	MINUS	6	0	x 40=	\$	x 86=	\$0.00
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM				+ 135=	\$	+ 290=	\$
					TOTAL	\$	TOTAL	\$108.00

☒ Please charge my Deposit Account No. 06-1135 in the amount of \$108.00, under Order No. 7372/72249. A duplicate copy of this sheet is attached.

☐ A check in the amount of \$0.00 is attached.

- ☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 06-1135. A duplicate copy of this sheet is attached.
- ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
  - ☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

FITCH, EVEN, TABIN &amp; FLANNERY

By: 

Kendrew H. Colton  
 Registration No. 30,368

CERTIFICATE OF FACSIMILE: I hereby certify that these papers (Transmittal and Amendment) are being transmitted via facsimile to: Commissioner of Patents, Washington, D.C. 20231, Attn: Elizabeth Slobodyansky, on this day of February 6, 2004.

Fitch, Even, Tabin & Flannery  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED  
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FEB 06 2004

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Appl. No. : 10/004,115  
Applicant : ASAKO et al.  
Filed: : December 6, 2001  
TC/A.U. : 1652  
Examiner : Elizabeth Slobodyansky

Confirmation No.: 3895

Docket No. : 7372/72249  
Customer No. : 22242

February 6, 2004

**AMENDMENT**

U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop **Fee Amendment**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Dear Sir:

In response to the Office Action of November 19, 2003, please amend the above-identified application as follows:

(1) Amendments to the claims are reflected in the listing of claims which begins on page 2 of this paper.

(2) Remarks/arguments begin on page 11 of this paper.